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W. Paul Willes

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EXAMINER

HERNANDEZ, NELSON D

ART UNIT

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/774,954	<b>Applicant(s)</b> WILLES ET AL.	
	<b>Examiner</b> Nelson D. Hernández Hernández	<b>Art Unit</b> 2622	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 October 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12, 16, 18-22, 26-28, 30 and 31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 26, 28, 30 and 31 is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-11, 16, 18-22 and 27 is/are rejected.
- 7) ☒ Claim(s) 4, 5 and 12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 21, 2008 has been entered.

### *Response to Amendment*

1. The Examiner acknowledges the amended claims filed on October 21, 2008. **Claims 1, 4, 5, 10, 12, 16, and 26** have been amended. **Claims 13-15, 17, 23-25, and 29** have been cancelled. **Claims 30 and 31** have been newly added.

### *Response to Arguments*

2. Applicant's arguments with respect to **claims 1, 10 and 26** have been considered but are moot in view of the new grounds of rejection.

3. In the previous Office Action **claims 3 and 18** were rejected using Official Notice to reject limitations as being well known in the art. Since Applicant failed to traverse the Examiner's assertion of official notice is taken to be admitted prior

art. If the traverse was inadequate, the examiner should include an explanation as to why it was inadequate. See MPEP 2144.03 [R-6] (C).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1, 2, 3, 6, 8, 9, 11, 16, 18, 20, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marks Jr., US Patent 4,863,130 and MacKay, US Patent 5,208,624 in view of Kendrick, US Patent 6,175,300 B1 and further in view of Tashiro et al., US Patent 6,705,774 B2.**

**Regarding claim 1**, The Examiner noted that **claims 1** is presented using the phrase "**adapted for**" in the limitations.

It is noted by the Examiner that the term "**adapted for**" is non-limiting and therefore has not been given patentable weight during examination of the claims on their merits. Language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation. MPEP §2106.

The subject matter of a properly construed claim is defined by the terms that limit its scope. It is this subject matter that must be examined. As a general matter, the grammar and intended meaning of terms used in a claim will dictate whether the

language limits the claim scope. Language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation. The following are examples of language that may raise a question as to the limiting effect of the language in a claim:

- (A) statements of intended use or field of use,
- (B) “adapted to” or “**adapted for**” clauses,
- (C) “wherein” clauses, or
- (D) “whereby” clauses.

This list of examples is not intended to be exhaustive. See also MPEP § 2111.04.

USPTO personnel are to give claims their broadest reasonable interpretation in light of the supporting disclosure. In re Morris, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in the claim should not be read into the claim. E-Pass Techs., Inc. v. 3Com Corp., 343 F.3d 1364, 1369, 67 USPQ2d 1947, 1950 (Fed. Cir. 2003) (claims must be interpreted “in view of the specification” without importing limitations from the specification into the claims unnecessarily). In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550- 551 (CCPA 1969). See also In re Zletz, 893 F.2d 319, 321-22, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989) (“During patent examination the pending claims must be interpreted as broadly as their terms reasonably allow.... The reason is simply that during patent prosecution when claims can be amended, ambiguities should be recognized, scope and breadth of language explored, and clarification imposed.... An essential purpose of patent examination is to fashion claims that are precise, clear, correct, and

Art Unit: 2622

unambiguous. Only in this way can uncertainties of claim scope be removed, as much as possible, during the administrative process.”).

Marks Jr. discloses a video camera (Fig. 1: 12) adapted for flush mounting comprising (As explained above, note that the phrase “adapted for” makes optional to perform a flush mounting operation. Therefore, Marks Jr. discloses the limitations as presented.):

a lens (Fig. 1: 13);

a low profile camera (Fig. 1: 12) housing comprising a shell (The Examiner is viewing the housing of the camera 12 and the portion surrounding the lens 13 (see fig. 1) as the shell as claimed), and end of the shell circumscribing an opening for receiving the lens, the end of the shell in a substantially circular shape (See portion surrounding the lens 13 having a circular shape) and adapted for flush mounting in direct contact with an external transparent medium (As explained above, the phrase “adapted for” makes the following recitation optional “*flush mounting in direct contact with an external transparent medium*”. It is also noted that the end of the shell in Marks Jr. can also be adapted for flush mounting in direct contact with an external transparent medium by adjusting the position of the camera 12 using the friction pad 11 and the bolt 9 as described by Marks Jr. (See col. 3, lines 28-61)), the lens substantially in level with the end of the shell circumscribing the opening (note that the lens is substantially in level with the end of the shell circumscribing the opening as shown in fig. 1);

a video sensor assembly (a video sensor assembly is inherently included in the video camera 12 as it is an electronic imaging device) within the low profile housing,

Art Unit: 2622

wherein said video sensor assembly receives images through the lens (See col. 3, lines 28-61);

a positioning mechanism for manually adjusting a viewing angle of the camera (Marks Jr. discloses that the position of the camera 12 can be adjusted by using the bolt 9 and the friction pad 11 to move the camera back and forward, and also to use the bolt 10 to adjust the angle where the camera is positioned (See col. 3, lines 28-61)); and

a first mounting assembly (mounting bracket 3 as shown in fig. 1) attached to the low profile camera housing and adapted for flush mounting the end of the shell circumscribing the opening in direct contact with the external transparent medium (window glass 23 as shown in fig. 2) (As explained above, the phrase “adapted for” makes following recitation optional “*flush mounting the end of the shell circumscribing the opening in direct contact with the external transparent medium*”. Furthermore, as explained above, the end of the shell in Marks Jr. can also be adapted for flush mounting in direct contact with an external transparent medium by adjusting the position of the camera 12 using the friction pad 11 and the bolt 9 as described by Marks Jr. (See col. 3, lines 28-61)).

Marks Jr. does not explicitly disclose that the video camera is a network video camera that transmits the received images through a network interface, a glare shield, that the video sensor assembly inside the video camera is adjustable, and although Marks Jr. teaches adjusting the viewing angle of the camera, Marks Jr. does not explicitly disclose a knob connected to the adjustable video sensor assembly for manually adjusting a viewing angle of the adjustable video sensor.

However, MacKay discloses a camera (Fig. 2), comprising a housing (10), said housing circumscribing an opening (See fig. 2) for receiving a lens (34 and 36 as shown in fig. 3); MacKay further discloses the use of a polarized filter (Fig. 2: 28) on front of the camera opening for receiving the lens (See fig. 2) to reduce the glare produced by the sun and light coming into the camera (Col. 3, lines 3-26; col. 4, line 8 - col. 5, line 42; col. 6, line 52 - col. 7, line 4).

Therefore, taking the combined teaching of Marks Jr. in view of MacKay as a whole, it would have been obvious to apply the concept of using a polarized filter in front of the camera opening to protect the image sensitive device from glare produced from the sun or other lights coming into the camera as taught in MacKay to modify the teaching of Marks Jr. to have a glare shield covering the opening. The motivation to do so would have been to reduce the glare produced by the sun and light coming into the camera.

The combined teaching of Marks Jr. in view of MacKay fails to teach that the video camera is a network video camera that transmits the received images through a network interface, that the video sensor assembly inside the video camera is adjustable, and although Marks Jr. teaches adjusting the viewing angle of the camera, Marks Jr. does not explicitly disclose a knob connected to the adjustable video sensor assembly for manually adjusting a viewing angle of the adjustable video sensor.

However, Kendrick discloses a video camera mounting system (See fig. 10) comprising: a low profile camera (Fig. 10: 15) housing defining an opening (opening having lens 11 as shown in fig. 10) and comprising an adjustable video sensor



Art Unit: 2622

assembly (Fig. 10: 10; col. 5, lines 2-15; the video sensor is electronically adjusted using interface 18 as shown in fig. 9. Since the limitations “*a positioning knob connected to the adjustable video sensor assembly for manually adjusting a viewing angle of the adjustable video sensor*” does not necessarily require that the position knob is located at the camera but can also be a remote knob that is remotely connected to the adjustable sensor assembly, it is noted that the interface (which the Examiner is reading as the positioning knob) is connected to the adjustable sensor assembly since it electronically controls the position of said adjustable sensor assembly as discussed in Kendrick (col. 5, lines 2-15) (this teaches a positioning knob that is connected to the adjustable video sensor assembly for manually adjusting a viewing angle of the adjustable video sensor as claimed)), wherein said video sensor assembly receives images through the opening and transmits the received images through an interface (the video sensor is connected to a video monitor 20 through a cable 19 as shown in figs. 10 and 11); and a mounting assembly (suction cups 16 and 17 as shown in fig. 10) attached to the low profile camera housing and adapted for flush mounting the opening with a transparent medium (glass 7 of side rear turn signal and stop lamp assembly 6 as shown in fig. 4) (Col. 5, lines 2-25).

Therefore, after acknowledging the advantages of using an adjustable video sensor assembly inside the video camera that can pan and tilt using a positioning interface that is connected to the adjustable video sensor assembly as taught in Kendrick, it would have been obvious to one of an ordinary skill in the art at the time the invention was made to modify the teaching in Marks Jr. and MacKay to have an

Art Unit: 2622

adjustable video sensor assembly that can be moved inside the camera and to have a positioning knob connected to said adjustable video sensor assembly to control its angle of view. The motivation to do so would have been to allow the video sensor inside the camera without having to move the camera body thus improving the operation of the camera since the bracket would not have to be readjusted to change the angle of view of the camera.

The combined teaching of Marks Jr. in view of MacKay and further in view of Kendrick fails to teach that the video camera is a network video camera that transmits the received images through a network interface.

However, Tashiro et al. discloses a network video camera (Fig. 1) comprising: a low profile camera housing (See fig. 1) defining an opening (Fig. 1: 6) and comprising an adjustable video sensor assembly (Fig. 4: 9), wherein said video sensor assembly receives images through the opening and transmits the received images through a network interface so that a user can control the camera remotely using a web browser on the internet (Fig. 9: 46) (Col. 1, lines 8-43; col. 4, lines 28-34; col. 9, lines 34-67).

Therefore, taking the combined teaching of Marks Jr. and MacKay in view of Kendrick and further in view of Tashiro et al. as a whole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Marks Jr., MacKay and Kendrick by using a network video camera adapted to transmit the received images through a network interface. The motivation to do so would have been to control the camera using a browser and receive the video image on a remote location as suggested by Tashiro et al. (Col. 9, lines 47-67).

**Regarding claim 2**, the combined teaching of Marks Jr. and MacKay in view of Kendrick and further in view of Tashiro et al. as discussed and analyzed further teaches that the first mounting assembly is connected to a mounting point located on the low profile housing above a center of gravity of the network video camera (See in Marks Jr. that the first mounting assembly 3 is connected to a mounting point located on the low profile housing above a center of gravity of the network video camera as shown in fig. 1), the end of the shell pressed against the external transparent medium by weight of the network video camera (It is noted that if the bolt 10 is adjusted to be loose, the end of the shell would be pressed against the external transparent medium by weight of the video camera (See fig. 1)). Grounds for rejecting claim 1 apply here.

**Regarding claim 3**, claim 3 is written in a Markush type by using the expression “a connector selected from the group consisting of threads, screws, snaps, rivets, plugs, Velcro, connectors, spring material, compression material, and pins”, meeting one species of a genus family anticipates the claimed subject matter. “A generic claim cannot be allowed to an applicant if the prior art discloses a species falling within the claimed genus.” The species in that case will anticipate the genus. In re Slayter, 276 F.2d 408, 411, 125 USPQ 345, 347 (CCPA 1960); In re Gosteli, 872 F.2d 1008, 10 USPQ2d 1614 (Fed. Cir. 1989).

Although the combined teaching of Marks Jr. and MacKay in view of Kendrick and further in view of Tashiro et al. as discussed and analyzed in claim 1 does not goes into the details of how the mounting point is connected to the mounting assembly,

Art Unit: 2622

Official Notice is taken that that the use of different materials such as screws, pins, threads or even glue can be used to attach suction cups to different devices so they can hold the device in place, and one of an ordinary skill in the art would recognize the need of a connection means to hold the suction cups and the camera mount together in order to hold said mount in place and would recognize the different types of connection means available at the time to perform said connection.

**Regarding claim 6**, limitations have been discussed and analyzed in claim 1.

**Regarding claim 8**, limitations have been discussed and analyzed in claim 1.

**Regarding claim 9**, claim 9 is written in a Markush type by using the expression “network is a network selected from the group consisting of a power line network, a wireless network, an acoustic network, a wired network, the Internet, a Local Area Network, a Wide Area Network, and an optic network”, meeting one species of a genus family anticipates the claimed subject matter. “A generic claim cannot be allowed to an applicant if the prior art discloses a species falling within the claimed genus.” The species in that case will anticipate the genus. In re Slayter, 276 F.2d 408, 411, 125 USPQ 345, 347 (CCPA 1960); In re Gosteli, 872 F.2d 1008, 10 USPQ2d 1614 (Fed. Cir. 1989).

The combined teaching of Marks Jr. and MacKay in view of Kendrick and further in view of Tashiro et al. as discussed and analyzed in claim 1 teaches that the network can be the Internet (Tashiro et al., col. 9, lines 47-67).

**Regarding claim 11**, claim 11 is written in a Markush type by using the expression “image sensor is powered from a power source selected from the group consisting of solar power, battery power, AC power, and DC power”, meeting one species of a genus family anticipates the claimed subject matter. “A generic claim cannot be allowed to an applicant if the prior art discloses a species falling within the claimed genus.” The species in that case will anticipate the genus. In re Slayter, 276 F.2d 408, 411, 125 USPQ 345, 347 (CCPA 1960); In re Gosteli, 872 F.2d 1008, 10 USPQ2d 1614 (Fed. Cir. 1989).

The combined teaching of Marks Jr. and MacKay in view of Kendrick and further in view of Tashiro et al. as discussed and analyzed in claim 1 teaches that said image sensor is powered from a DC power source (Kendrick teaches that the image sensor is powered with the power of the vehicle (this teaches the use of DC power)).

**Regarding claim 16**, limitations have been discussed and analyzed in claim 1.

**Regarding claim 18**, claim 18 is written in a Markush type by using the expression “network interface is connected to a device selected from the group consisting of a bridge, a hub, a switch, a router, a gateway, and a power adapter”,

meeting one species of a genus family anticipates the claimed subject matter. “A generic claim cannot be allowed to an applicant if the prior art discloses a species falling within the claimed genus.” The species in that case will anticipate the genus. In re Slayter, 276 F.2d 408, 411, 125 USPQ 345, 347 (CCPA 1960); In re Gosteli, 872 F.2d 1008, 10 USPQ2d 1614 (Fed. Cir. 1989).

Although the combined teaching of Marks Jr. and MacKay in view of Kendrick and further in view of Tashiro et al. as discussed and analyzed in claim 1 fails to disclose what type of network interface is used to communicate the images to a remote user, Official Notice is taken that the use of bridges, hubs, switches, routers, gateways and power adapters are notoriously well known in the art as network interfaces used to transmit image data to a remote user through a network. Since Tashiro et al. discloses the use of internet and servers to communicate the image data to a remote user, one of an ordinary skill in the art would recognize the need of a network interface to transmit said image data to a remote user on a network and would find obvious to select from the available types of networks interface in order to perform a proper communication between different devices in a network.

**Regarding claim 20**, limitations have been discussed and analyzed in claim 18.

**Regarding claim 22**, the combined teaching of Marks Jr. and MacKay in view of Kendrick and further in view of Tashiro et al. as discussed and analyzed in claim 1 teaches that the low profile camera housing further comprises a storage device (Tashiro

Art Unit: 2622

et al., fig. 9: 44) for storing images received by the video sensor assembly (Tashiro et al., col. 9, lines 46-56).

**6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Marks Jr., US Patent 4,863,130, MacKay, US Patent 5,208,624 and Kendrick, US Patent 6,175,300 B1 in view of Tashiro et al., US Patent 6,705,774 B2 and further in view of Novak, US 2002/0141657 A1.**

**Regarding claim 7**, the combined teaching of Marks Jr. and MacKay in view of Kendrick and further in view of Tashiro et al. fails to teach that the video sensor assembly is electronically remotely adjustable via sensor resolution and wide-angle optics.

However, Novak teaches a system for controlling a web-cam transmission wherein a web-cam capable of capturing images of a wide field (i.e. using wide angle lens) stores the images in a memory and said images are processes so that a remote user can control the field of view by performing simulated pan and tilt functions wherein the user is observing a portion of the image and if wants to see a different portion of the image, the processor send a different portion of the image (This also teaches adjusting the field of view using sensor resolution since only a portion of the whole resolution of the sensor is transmitted) so that there is not need to have pan and tilt motors controlling a camera movement (Page 1, ¶ 0006 and 0023; page 2, ¶0024; page 3, ¶ 0036 and 0043).

Therefore, taking the combined teaching of Marks Jr., MacKay and Kendrick in view of Tashiro et al. and further in view of Novak as a whole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Marks Jr., MacKay, Kendrick and Tashiro et al. by having the video sensor assembly is electronically remotely adjustable via sensor resolution and wide angle optics. The motivation to do so would have been to avoid the use of motors to control the pan and tilt function as suggested by Novak (Page 2, ¶0024).

**7. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Marks Jr., US Patent 4,863,130, MacKay, US Patent 5,208,624 and Kendrick, US Patent 6,175,300 B1 in view of Tashiro et al., US Patent 6,705,774 B2 and further in view of Bielefeld et al., US Patent 6,787,775 B1.**

**Regarding claim 10**, the combined teaching of Marks Jr. and MacKay in view of Kendrick and further in view of Tashiro et al. fails to teach a lens cap covering the opening, and an O ring between the lens cap and the end of the shell.

However, Bielefeld et al. discloses the concept of having a lens cap covering the opening of a shell of a camera, and an O ring between the lens cap and the end of the shell of said camera to provide sealing protection to the camera (Col. 2, lines 35-48).

Therefore, taking the combined teaching of Marks Jr., MacKay and Kendrick in view of Tashiro et al. and further in view of Bielefeld et al. as a whole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the housing in Marks Jr., MacKay, Kendrick and Tashiro et al. by having a lens



cap covering the opening, and an O ring between the lens cap and the end of the shell. The motivation to do so would have been to improve the housing so it can protect the camera and inside camera components from the weather and temperature changes.

**8. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Marks Jr., US Patent 4,863,130, MacKay, US Patent 5,208,624 and Kendrick, US Patent 6,175,300 B1 in view of Tashiro et al., US Patent 6,705,774 B2 and further in view of Ward, US Patent 6,784,924 B2.**

**Regarding claim 19**, the combined teaching of Marks Jr. and MacKay in view of Kendrick and further in view of Tashiro et al. fails to teach that said network interface is connected to a network device wherein said network device converts from one protocol to another protocol.

However, Ward teaches a camera comprising a network interface (Fig. 1: 32) to transmit the captured image data through a network allowing a user to send the image data to different locations such as personal home pages in the World Wide Web, cellular phones, kiosks, etc. without having to connect the camera to a computer to send the image data; Ward also discloses that the interface may connect to a variety of known networks, such as a public switched telephone network (PSTN), ISDN, an RF cellular phone network, or Ethernet (col. 2, lines 39-59)), (This teaches connecting to a network device wherein said network device converts from one protocol to another, since the image data may be transferred to a telephone or a web page, the protocol between devices changes) (Col. 2, lines 38-58; col. 3, line 16 – col. 4, line 19).

Therefore, taking the combined teaching of Marks Jr., MacKay and Kendrick in view of Tashiro et al. and further in view of Ward as a whole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the interface in Marks Jr., MacKay, Kendrick and Tashiro et al. by having said network interface connected to a network device wherein said network device converts from one protocol to another protocol. The motivation to do so would have been to allow the user to send the image data to different locations such as personal home pages in the World Wide Web, cellular phones, kiosks, etc. without having to connect the camera to a computer to send the image data.

**9. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Marks Jr., US Patent 4,863,130, MacKay, US Patent 5,208,624 and Kendrick, US Patent 6,175,300 B1 in view of Tashiro et al., US Patent 6,705,774 B2 and further in view of Strandwitz, US 2003/0112335 A1.**

**Regarding claim 21**, the combined teaching of Marks Jr. and MacKay in view of Kendrick and further in view of Tashiro et al. fails to teach that the network interface further comprises a bandwidth allocation system.

However, Strandwitz teaches a wireless camera (See fig. 2) that transmit images through a network, wherein said camera comprises a bandwidth allocation system (See fig. 2: 190) used to find a proportion of available bandwidth in a connection serving a plurality of camera so as to define percentage of allocation of bandwidth for a given

Art Unit: 2622

camera or from one camera to another (Page 2, ¶0028, page 3, ¶ 0035; page 5, ¶ 0063).

Therefore, taking the combined teaching of Marks Jr., MacKay and Kendrick in view of Tashiro et al. and further in view of Strandwitz as a whole, it would have been obvious to one of an ordinary skill in the art at the time the invention was made to modify Marks Jr., MacKay, Kendrick and Tashiro et al. by having a bandwidth allocation system to communicate in a network. The motivation to do so would have been to properly define a portion of the bandwidth to interact to transmit the images or interact with multiple terminals in the network and to receive a proper amount of bandwidth as required by the camera when transmitting image data.

**10. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Marks Jr., US Patent 4,863,130, MacKay, US Patent 5,208,624 and Kendrick, US Patent 6,175,300 B1 in view of Tashiro et al., US Patent 6,705,774 B2 and further in view of McBride, 6,812,970 B1.**

**Regarding claim 27**, the combined teaching of Marks Jr. and MacKay in view of Kendrick and further in view of Tashiro et al. fails to teach that the network interface is adapted to transmit the received images over a power line network.

However, McBride teaches the concept of having a surveillance camera (See figs. 1 and 6) system wherein the camera have a communication interface (See fig. 6) to transmits the image data taken over a power line to a monitor receiver or to a network

Art Unit: 2622

(See col. 3, line 53 – col. 4, line 12; col. 4, line 50 – col. 5, line 8; col. 5, line 60 – col. 6, line 63).

Therefore, taking the combined teaching of Marks Jr., MacKay and Kendrick in view of Tashiro et al. and further in view of McBride as a whole, it would have been obvious to one of an ordinary skill in the art at the time the invention was made to modify the network interface of the network video camera to transmits the image data taken over a power line. The motivation to do so would have been to improve the operation of the network camera by eliminating the need of running cables thus making easy to install the camera without requiring a professional installer as suggested by McBride (Col. 2, lines 17-34).

***Allowable Subject Matter***

11. **Claims 26, 28, 30, and 31** are allowed.
12. **Claims 4, 5, and 12** objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
13. The following is a statement of reasons for the indication of allowable subject matter:

**Regarding claim 26**, the main reason for indication of allowable subject matter is because the prior art fails to teach or reasonably suggest, including all the elements of

Art Unit: 2622

the present claim, a second mounting point at an upper rear portion of the low profile camera housing for attaching to a second mounting assembly; and a third mounting point at a lower rear portion of the low profile camera housing for attaching to a third mounting assembly.

**Regarding claim 4**, the main reason for indication of allowable subject matter is because the prior art fails to teach or reasonably suggest a front mounting point for attaching the first mounting assembly, and a bottom rear mounting point for attaching to a second mounting assembly, the second mounting assembly adapted to support the network video camera upright on a flat surface, including all the limitations of claims 1 and 2.

### ***Contact***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nelson D. Hernández Hernández whose telephone number is (571)272-7311. The examiner can normally be reached on 9:00 A.M. to 5:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lin Ye can be reached on (571) 272-7372. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2622

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